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Legislative Assembly of British Columbia

BILL 17

**HOUSING AND MUNICIPAL AFFAIRS
STATUTES (CODES OF CONDUCT)
AMENDMENT ACT, 2026**

Honourable Christine Boyle
Minister of Housing and Municipal Affairs

Explanatory Notes

CLAUSE 1: *[Community Charter, section 90]* requires all or part of a council meeting to be closed to the public if the subject matter being considered relates to a code of conduct complaint.

CLAUSE 2: *[Community Charter, section 91]* requires a council to allow an investigator who investigated a code of conduct complaint to attend all or part of a meeting that is closed to the public.

CLAUSE 3: *[Community Charter, section 97]* requires summary reports prepared after the resolution of code of conduct complaints to be available for public inspection.

CLAUSE 4: *[Community Charter, Division 8 of Part 4]*

- enables the establishment of a new code of conduct for council members;
- establishes a process for the filing, investigation and resolution of complaints under the code of conduct.

BILL 17 – 2026

**HOUSING AND MUNICIPAL AFFAIRS STATUTES
(CODES OF CONDUCT) AMENDMENT ACT, 2026**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Community Charter

1 *Section 90 (2) of the Community Charter, S.B.C. 2003, c. 26, is amended by adding the following paragraph:*

(f) a complaint under Division 8 *[Code of Conduct]* of Part 4 *[Public Participation and Council Accountability]*.

2 *Section 91 is amended by adding the following subsection:*

(2.1) If all or part of a meeting is closed to the public under section 90 (2) (f), the council must allow both of the following to attend:

- (a) the investigator, as defined in section 113.01 *[definitions]*, who investigated the complaint;
- (b) if the complainant is not a council member, the complainant.

3 *Section 97 (1) is amended by adding the following paragraph:*

(i) all summary reports prepared under section 113.15 *[summary report]*.

4 *Division 8 of Part 4 is repealed and the following substituted:*

Division 8 – Code of Conduct

Definitions

113.01 In this Division:

“**code of conduct**” means the code of conduct established by regulation;

“**complainant**” means either of the following:

- (a) a person who files a complaint;
- (b) if the complaint is filed under section 113.03 (2) *[who may file complaint]*, the individual referred to in that section;

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- “**complaint**” means a complaint filed under section 113.03 (1) or (2);
- “**designated officer**” means the chief administrative officer or the corporate officer of a municipality;
- “**investigation**” means an investigation conducted under section 113.09 [investigation];
- “**investigation report**” means an investigation report prepared under section 113.11 [investigation report];
- “**investigator**” means a person who
- (a) meets the prescribed criteria, and
 - (b) is retained by the municipality of whose council the respondent is a member;
- “**mutual resolution process**” means facilitation, conciliation, mediation and other types of dispute resolution processes;
- “**parties**” means the complainant and the respondent;
- “**respondent**” means a council member against whom a complaint is made;
- “**summary report**” means a summary report prepared under section 113.15 [summary report].

Requirement to comply with code of conduct

113.02 A council member must comply with the code of conduct.

Who may file complaint

- 113.03** (1) The following persons may file with a designated officer of a municipality a complaint alleging that a member of the council of the municipality has contravened the code of conduct:
- (a) another member of the council of the municipality;
 - (b) in prescribed circumstances, a municipal officer or employee of the municipality.
- (2) A member of the council of a municipality who is a member of a standing committee established under section 141 (1) [standing committees of council] or a select committee established under section 142 (1) [select committees of council] may, on behalf of an individual appointed to the same committee under section 141 (3) or 142 (3), file with a designated officer of the municipality a complaint alleging that another council member who is a member of the committee has contravened the code of conduct.
- (3) A complainant may withdraw a complaint at any time before an investigator begins investigating the complaint.

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

What must be included in complaint

113.04 A complaint must be in writing and include all of the following information:

- (a) the name of the complainant;
- (b) the name of the respondent;
- (c) the provision of the code of conduct that is alleged to have been contravened;
- (d) a description of the alleged contravention, including when it occurred;
- (e) if applicable, a description of any efforts made by the parties to informally resolve the complaint;
- (f) a statement respecting the complainant’s willingness to participate in a mutual resolution process;
- (g) if applicable, supporting documents or other related information;
- (h) any other prescribed information.

Time limit for filing complaint

- 113.05** (1) Subject to subsection (2), a complaint must be filed within the prescribed period after the date the complainant becomes aware of the alleged contravention.
- (2) If a complaint alleges a continuing contravention of the code of conduct, the complaint must be filed within the prescribed period after the last alleged instance of the contravention.

Referral to investigator

- 113.06** (1) Subject to this section, a designated officer who receives a complaint must, within the prescribed period after receiving the complaint, refer the complaint to an investigator.
- (2) A designated officer must not refer a complaint to an investigator if the complaint is filed on behalf of another individual, unless the complaint is filed under section 113.03 (2).
- (3) If a designated officer considers that a complaint is incomplete, the designated officer may, before the complaint is referred to an investigator, request that the complainant provide required information within the period specified by the designated officer.
- (4) If a complaint is filed within the prescribed period before a date set for general voting day for a general local election, the designated officer
- (a) must not refer the complaint to an investigator until after the declaration of official election results under section 98 of the *Local Government Act* for an election by acclamation or under section 146 of that Act for an election by voting, and

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (b) must refer the complaint to an investigator only if the respondent is re-elected as a council member.
- (5) If a designated officer does not refer a complaint in accordance with this section, the minister may refer the complaint to an investigator.

Powers of investigator on receiving complaint

113.07 An investigator who receives a complaint referred under section 113.06 must do one of the following:

- (a) in the circumstances described in section 113.08 (1), dismiss all or part of the complaint;
- (b) recommend to the parties
 - (i) that the complaint be resolved by a mutual resolution process, and
 - (ii) that a particular mutual resolution process be used;
- (c) investigate the complaint.

Dismissal of complaint

113.08 (1) An investigator may dismiss all or part of a complaint if the investigator determines that

- (a) the conduct alleged in the complaint or part of the complaint does not contravene the code of conduct,
 - (b) the complaint or part of the complaint is frivolous or vexatious,
 - (c) the substance of the complaint or part of the complaint has been appropriately dealt with in another proceeding, or
 - (d) prescribed circumstances apply.
- (2) An investigator who dismisses a complaint or part of a complaint under subsection (1) must give the parties written reasons for the dismissal.
- (3) An investigator who dismisses a complaint under subsection (1) (b) may require the complainant to pay the costs associated with the investigator's review of the complaint.

Investigation

113.09 (1) An investigator may conduct an investigation to determine whether a contravention of the code of conduct has occurred.

- (2) If the investigator considers it appropriate, the investigator may consolidate complaints for the purpose of an investigation.
- (3) For the purpose of an investigation, an investigator may require a person who may have information, records or things that are relevant to the investigation to do one or more of the following:
 - (a) attend, in person or by electronic means, before the investigator to answer questions;

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (b) provide the investigator with written answers to written questions;
 - (c) produce for the investigator any record or thing in the custody or under the control of the person.
- (4) A person described in subsection (3) is required to cooperate with an investigator in the investigator’s exercise of powers or performance of duties under this Division.
- (5) If, within the prescribed period before a date set for general voting day for a general local election, an investigation is underway, the investigation
- (a) must be suspended until after the declaration of official election results under section 98 of the *Local Government Act* for an election by acclamation or under section 146 of that Act for an election by voting, and
 - (b) may be resumed only if the respondent is re-elected as a council member.
- (6) At any time during the investigation, the investigator may recommend to the parties
- (a) that the complaint be resolved by a mutual resolution process, and
 - (b) that a particular mutual resolution process be used.

Mutual resolution

- 113.1** (1) An investigator who makes a recommendation under section 113.07 (b) [*powers of investigator on receiving complaint*] or 113.09 (6) [*investigation*] must investigate the complaint if
- (a) one or more of the parties refuse to participate in a mutual resolution process, or
 - (b) the parties do not agree on the mutual resolution process to be used.
- (2) If the mutual resolution process resolves the complaint to the satisfaction of all parties,
- (a) the parties must notify the investigator of the resolution,
 - (b) the investigator must dismiss the complaint, and
 - (c) the complainant may not file another complaint in relation to the same alleged contravention.
- (3) If the mutual resolution process fails, within the prescribed period, if any, to resolve the complaint to the satisfaction of all parties,
- (a) at least one party must notify the investigator of the failure to resolve the complaint, and
 - (b) the investigator must investigate the complaint or resume the investigation of the complaint.

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (4) Unless otherwise agreed by the parties, a person participating in a mutual resolution process must not disclose information or records obtained in the mutual resolution process that are not otherwise in the public domain.
- (5) Subsection (4) does not apply if the disclosure is
 - (a) required by an enactment of British Columbia, another province or Canada,
 - (b) required to protect or pursue a legal right, or
 - (c) authorized by a court order.

Investigation report

- 113.11** (1) After concluding an investigation, an investigator must
- (a) determine whether the code of conduct has been contravened, and
 - (b) prepare an investigation report in accordance with this section.
- (2) Before completing an investigation report, an investigator must
- (a) provide a copy of the draft report to the parties,
 - (b) provide the parties an opportunity to comment on the draft report within the period specified by the investigator, and
 - (c) consider any comments under paragraph (b), including any requests respecting changes to the report.
- (3) An investigation report must include the following:
- (a) a summary of the complaint;
 - (b) a summary of the findings of the investigation;
 - (c) if the investigator determines that the code of conduct has been contravened, a recommendation respecting the sanctions to be imposed;
 - (d) a statement respecting the parties' cooperation with the investigator;
 - (e) a recommendation respecting the indemnification of the parties by the municipality;
 - (f) any other information the investigator considers appropriate;
 - (g) any other prescribed information.
- (4) The investigator must, within the prescribed period, if any, submit the final investigation report to the designated officer who received the complaint.
- (5) A designated officer who receives an investigation report must, within the prescribed period, if any, forward it to both of the following:
- (a) if the complainant is not a council member, the complainant;
 - (b) the council of which the respondent is a member.

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

Sanctions that may be recommended

- 113.12** (1) For the purposes of section 113.11 (3) (c), an investigator may recommend one or more of the following sanctions:
- (a) a letter of reprimand;
 - (b) a requirement that the respondent issue a letter of apology;
 - (c) a requirement that the respondent complete a training program;
 - (d) the suspension or rescission of the appointment of the respondent, in the respondent's capacity as council member, to a committee, commission or other body;
 - (e) if the respondent is a mayor, the suspension from any of the responsibilities described in section 116 (2) [*responsibilities of mayor*];
 - (f) a reduction of remuneration in an amount calculated in the prescribed manner and for up to 90 days;
 - (g) a suspension of remuneration for up to 90 days;
 - (h) a suspension, without remuneration, from duties on council for up to 90 days;
 - (i) a prescribed sanction.
- (2) For certainty, an investigator may only recommend a sanction listed in subsection (1).
- (3) In determining whether to recommend sanctions and which sanctions to recommend, an investigator must consider any prescribed matters.

Decision by council

- 113.13** (1) If an investigation report does not include a recommendation to impose sanctions, the council
- (a) is not required to consider the report at a council meeting, and
 - (b) may not impose any of the sanctions listed in section 113.12 (1) on the respondent.
- (2) If an investigation report includes a recommendation to impose sanctions,
- (a) the council must consider the report at a council meeting,
 - (b) the investigator must attend the council meeting, and
 - (c) despite section 101 (2) (a) and (d) [*restrictions on participation if in conflict*], the parties must be provided an opportunity to make written or oral submissions to the council.
- (3) Section 100 (2) [*disclosure of conflict*] does not apply to the parties in relation to their interest in the council's consideration of the investigation report.

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (4) After considering an investigation report that includes a recommendation to impose sanctions, any submissions to the council and the prescribed criteria, a council may, by resolution, decide
 - (a) to impose all of the recommended sanctions, or
 - (b) not to impose any of the recommended sanctions.
- (5) A motion on a resolution under subsection (4) is decided by a majority of the council members present at the meeting, excluding the respondent and, if the complainant is a council member, the complainant.
- (6) The parties must not be present at the meeting during the vote on a motion referred to in subsection (5).
- (7) If, due to the investigation of one or more council members, the number of members of a council is reduced to less than a quorum, the minister may
 - (a) order that the remaining members of the council constitute a quorum for the purpose of the vote on a motion referred to in subsection (5), or
 - (b) appoint a person to decide whether to impose the recommended sanctions.
- (8) If a council decides not to impose the recommended sanctions, the council must, at the council meeting, provide reasons for its decision to the investigator.

If respondent ceases to hold office

- 113.14** (1) If, at any time before a council makes a decision under section 113.13 (4), the respondent ceases to hold office on the council, the complaint is considered dismissed.
- (2) If, after a council imposes sanctions under section 113.13 (4) (a), the respondent ceases to hold office on the council, the respondent is not required to comply with the sanctions.

Summary report

- 113.15** (1) If an investigation report does not include a recommendation to impose sanctions, the investigator must, after the investigation report is forwarded under section 113.11 (5) [*investigation report*], prepare a summary report described in subsection (3).
- (2) If an investigation report includes a recommendation to impose sanctions, the investigator must, after the council makes a decision under section 113.13 (4) [*decision by council*], prepare a summary report described in subsection (4).
- (3) A summary report prepared under subsection (1)
 - (a) must include the following:
 - (i) a summary of the complaint;
 - (ii) a summary of the findings of the investigation;

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (iii) the recommendation made under section 113.11 (3) (e);
 - (iv) any other information the investigator considers appropriate;
 - (v) any other prescribed information, and
 - (b) must not disclose the identity of the parties.
- (4) A summary report prepared under subsection (2)
- (a) must include the following:
 - (i) a summary of the complaint;
 - (ii) a summary of the findings of the investigation;
 - (iii) the recommendations made under section 113.11 (3) (c) and (e);
 - (iv) the decision made by the council and, if the decision is not to impose sanctions, the reasons for the decision;
 - (v) any other information the investigator considers appropriate;
 - (vi) any other prescribed information, and
 - (b) must not disclose the identity of the complainant if the complainant is a municipal officer or employee.
- (5) The municipality of whose council the respondent is a member must make the summary report publicly available.

Annual code of conduct report

- 113.16** (1) Before June 30 each year, a council must
- (a) prepare an annual code of conduct report, and
 - (b) make the report publicly available.
- (2) The annual code of conduct report must include the following information respecting complaints filed with a designated officer of the municipality in the previous year:
- (a) the number of complaints filed;
 - (b) the number of complaints withdrawn under section 113.03 (3) [*who may file complaint*];
 - (c) the number of complaints dismissed under section 113.08 (1) [*dismissal of complaint*];
 - (d) the number of complaints dismissed under section 113.08 (1) (b) [*frivolous or vexatious complaints*] and any costs required to be paid under section 113.08 (3);
 - (e) the number of complaints resolved through a mutual resolution process;
 - (f) the number of investigations conducted;
 - (g) the number of each sanction listed in section 113.12 (1) [*sanctions that may be recommended*] imposed by the council;

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

- (h) the costs associated with the use of investigators;
- (i) any other prescribed information.

Confidentiality

- 113.17** (1) An investigator who has custody of, access to or control over information, records or things obtained under this Division must not disclose the information, records or things to any person except as follows:
- (a) if the investigator considers that the disclosure is necessary to further an investigation;
 - (b) in an investigation report or at a council meeting;
 - (c) in a summary report;
 - (d) with the consent of the person to whom the information or record relates;
 - (e) if an enactment of British Columbia, another province or Canada requires the disclosure;
 - (f) to a law enforcement agency if the investigator suspects that a criminal offence has been committed.
- (2) A complainant, respondent or other council member who has custody of, access to or control over an investigation report must not disclose the investigation report or any information in the investigation report to any person except as follows:
- (a) if an enactment of British Columbia, another province or Canada requires the disclosure;
 - (b) to a law enforcement agency if the person suspects that a criminal offence has been committed.
- (3) The prohibition in subsection (2) does not apply in relation to information in an investigation report if
- (a) the information is included in a summary report, and
 - (b) the summary report has been made publicly available under section 113.15 (5) [*summary report*].

Immunity protection – investigator

- 113.18** (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against an investigator, or a person acting on behalf of or under the direction of an investigator, because of anything done or omitted
- (a) in the performance or intended performance of a duty under this Division, or
 - (b) in the exercise or intended exercise of a power under this Division.
- (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.

CLAUSE 4: *[Community Charter, Division 8 of Part 4 – continued]*

CLAUSE 5: *[Community Charter, section 114]* prohibits a council from imposing specified sanctions on a council member unless the sanctions are recommended by an investigator following a code of conduct complaint.

CLAUSE 6: *[Community Charter, section 116]*

- repeals a provision providing that the mayor is the head and chief executive officer of a municipality;
- removes the power of a mayor to suspend a municipal officer or employee.

CLAUSE 7: *[Community Charter, section 116]* specifies how the responsibilities of a mayor may be carried out if the mayor is suspended from those responsibilities.

CLAUSE 8: *[Community Charter, section 117]* authorizes the disclosure of a record or information for the purposes of the investigation of a code of conduct complaint.

Conflicts

113.19 In the event of a conflict between the code of conduct and a municipal bylaw, resolution or policy, the code of conduct prevails.

Offence Act

113.2 Section 5 of the *Offence Act* does not apply to this Division.

5 *Section 114 is amended by adding the following subsection:*

- (5) A council may not impose on a council member any of the sanctions listed in section 113.12 (1) (a) to (h) [*sanctions that may be recommended*] or, if applicable, a sanction prescribed under section 113.12 (1) (i) unless
 - (a) a complaint is filed and investigated under Division 8 [*Code of Conduct*] of Part 4 [*Public Participation and Council Accountability*], and
 - (b) the investigation report includes a recommendation to impose the sanction on the council member.

6 *Section 116 (1) and (2) (f) is repealed.*

7 *Section 116 is amended by adding the following subsection:*

- (3) If the mayor is suspended under section 113.13 (4) (a) [*code of conduct decision by council*] from any of the responsibilities described in subsection (2) of this section, the responsibilities from which the mayor is suspended may be carried out in either of the following ways:
 - (a) by resolution of the remaining members of council;
 - (b) by one or more individuals designated by the remaining members of council to carry out the responsibilities.

8 *Section 117 is amended*

(a) in subsection (1) by striking out “, unless specifically authorized otherwise by council,” and

(b) by adding the following subsection:

- (1.1) Subsection (1) does not apply if the disclosure of a record or information is
 - (a) authorized by council, or
 - (b) made to an investigator for the purposes of an investigation under Division 8 [*Code of Conduct*] of Part 4 [*Public Participation and Council Accountability*].

CLAUSE 9: *[Community Charter, section 125]* provides that a council member is not disqualified from holding office for being absent from council meetings because of a sanction imposed as a result of a code of conduct complaint.

CLAUSE 10: *[Community Charter, section 129]*

- adds a definition of “temporary leave of absence”;
- provides for addressing a loss of quorum because a council member is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a code of conduct complaint.

CLAUSE 11: *[Community Charter, section 129]* provides for addressing a loss of quorum because a council member is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a code of conduct complaint.

CLAUSE 12: *[Community Charter, section 131]* prohibits a mayor from requiring a council to reconsider a decision made in relation to a code of conduct complaint.

CLAUSE 13: *[Community Charter, section 151]* authorizes a council, instead of a mayor, to suspend a municipal officer or employee.

9 Section 125 (7) is amended by striking out “or” at the end of paragraph (b), by adding “, or” at the end of paragraph (c) and by adding the following paragraph:

- (d) because of a sanction imposed on the council member under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability].

10 Section 129 is amended

(a) by adding the following subsection:

(0.1) In this section, “**temporary leave of absence**” means any of the following:

- (a) an absence because of illness or injury;
- (b) an absence with leave of the council;
- (c) a leave of absence under section 109.3 [mandatory leave of absence];
- (d) an absence resulting from the imposition of a sanction under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability]. ,

(b) in subsection (7) by striking out “as a result of section 109.3 [mandatory leave of absence]” and substituting “as a result of a temporary leave of absence”, and

(c) in subsection (7) (b) by striking out “a leave of absence under section 109.3” and substituting “a temporary leave of absence”.

11 Section 129 (0.1) is amended by adding the following paragraph:

- (e) an absence resulting from the imposition of a sanction under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability].

12 Section 131 (1) is amended by striking out “on a matter” and substituting “on a matter, other than a decision made under section 113.13 (4) [code of conduct decision by council],”.

13 Section 151 is repealed and the following substituted:

Suspension of officers and employees

- 151** (1) If the council considers it necessary, the council may suspend a municipal officer or employee for a period the council considers appropriate.
- (2) At the end of the period of suspension, the council may
 - (a) reinstate the officer or employee,
 - (b) extend the suspension,
 - (c) in the case of an employee, dismiss the employee, or

CLAUSE 13: *[Community Charter, section 151 – continued]*

CLAUSE 14: *[Community Charter, section 282]* adds regulation-making powers for the purposes of Division 8 of Part 4 of the Act.

CLAUSE 15: *[Islands Trust Act, section 6]*

- adds a definition of “temporary leave of absence”;
- provides for addressing a loss of quorum because a member of a local trust committee is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a code of conduct complaint.

CLAUSE 16: *[Islands Trust Act, section 6]* provides for addressing loss of quorum because a member of a local trust committee is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a complaint under the code of conduct.

- (d) in the case of an officer, terminate the officer in accordance with section 152.

14 Section 282 (2) is amended by adding the following paragraph:

- (d.1) for the purposes of Division 8 [*Code of Conduct*] of Part 4 [*Public Participation and Council Accountability*],
 - (i) establishing a code of conduct, or
 - (ii) prescribing sanctions for the purposes of section 113.12 (1) (i) [*sanctions that may be recommended*] and specifying whether section 114 (5) [*council as governing body*] applies in relation to the sanctions; .

Islands Trust Act

15 Section 6 of the *Islands Trust Act, R.S.B.C. 1996, c. 239*, is amended

(a) by adding the following subsection:

- (0.1) In this section, “**temporary leave of absence**” means any of the following:
 - (a) an absence because of illness or injury;
 - (b) an absence with leave of the trust council;
 - (c) a leave of absence under section 109.3 [*mandatory leave of absence*] of the *Community Charter* as that section applies for the purposes of this Act;
 - (d) an absence resulting from the imposition of a sanction under Division 8 [*Code of Conduct*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies for the purposes of this Act. ,

(b) in subsection (7.1) by striking out “section 109.3 [*mandatory leave of absence*] of the *Community Charter* as it applies for the purposes of this Act,” **and substituting** “a temporary leave of absence,” **and**

(c) in subsection (7.1) (b) by striking out “a leave of absence under section 109.3” **and substituting** “a temporary leave of absence”.

16 Section 6 (0.1) is amended by adding the following paragraph:

- (e) an absence resulting from the imposition of a sanction under Division 8 [*Code of Conduct*] of Part 4 of the *Community Charter* as that Division applies for the purposes of this Act.

CLAUSE 17: ***[Islands Trust Act, section 7.1]***

- provides that the code of conduct and complaint process established under the *Community Charter* apply to local trustees and municipal trustees;
- adds interpretation rules for applying the *Community Charter* code of conduct provisions.

CLAUSE 18: ***[Islands Trust Act, section 8]*** prohibits the trust council from imposing specified sanctions on a local trustee or municipal trustee unless the sanctions are recommended by an investigator following a code of conduct complaint.

CLAUSE 19: ***[Local Government Act, section 201]*** provides that an alternate director must carry out the duties of an electoral area director if the electoral area director is suspended from those duties.

17 The following section is added:

Code of conduct

- 7.1 (1) Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability] of the *Community Charter* applies to local trustees and municipal trustees.
- (2) For the purposes of subsection (1), the references in Division 8 of Part 4 of the *Community Charter* are to be read in accordance with the following:
- (a) a reference to a council is to be read as a reference to the trust council;
 - (b) a reference to a council member is to be read as a reference to a local trustee or a municipal trustee;
 - (c) a reference to a designated officer is to be read as a reference to a person appointed under section 17 (1) (a) or (c) [officers and employees] of this Act;
 - (d) a reference to a municipal employee is to be read as a reference to an employee of the trust council;
 - (e) a reference to a municipality is to be read as a reference to the local trust area;
 - (f) a reference to an officer of a municipality is to be read as a reference to an officer of the trust council.

18 Section 8 is amended by adding the following subsection:

- (4) The trust council may not impose on a local trustee or municipal trustee any of the sanctions listed in section 113.12 (1) (a) to (h) [sanctions that may be recommended] of the *Community Charter* or, if applicable, a sanction prescribed under section 113.12 (1) (i) of that Act unless
- (a) a complaint is filed and investigated under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability] of that Act as that Division applies for the purposes of this Act, and
 - (b) the investigation report includes a recommendation to impose the sanctions on the local trustee or municipal trustee.

Local Government Act

19 Section 201 of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following subsection:

- (9) If an electoral area director is suspended under section 113.13 (4) (a) [code of conduct decision by council] of the *Community Charter*, as that section applies under section 205 (1) (b.1) of this Act, from duties on the board, the alternate director appointed by the electoral area director must carry out the duties of the electoral area director for the period of suspension.

CLAUSE 20: ***[Local Government Act, section 204]*** provides that a director is not disqualified from holding office for being absent from board meetings because of a sanction imposed as a result of a code of conduct complaint.

CLAUSE 21: ***[Local Government Act, section 205]***

- provides that the code of conduct and complaint process established under the *Community Charter* apply to regional district directors and their alternates;
- adds interpretation rules for applying the *Community Charter* code of conduct provisions.

20 Section 204 (2) is amended by striking out “or” at the end of paragraph (b), by adding “, or” at the end of paragraph (c) and by adding the following paragraph:

- (d) the absence is because of a sanction imposed on the board member under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability] of the *Community Charter* as that Division applies under section 205 (1) (b.1) of this Act.

21 Section 205 (2) is repealed and the following substituted:

- (2) For the purposes of subsection (1),
 - (a) a reference to a council member in Division 8 of Part 4 of the *Community Charter* is to be read as a reference to one of the following:
 - (i) a director;
 - (ii) an alternate director appointed under section 201 (1) [alternate directors: electoral areas] of this Act while the alternate director holds office;
 - (iii) an acting director appointed under section 201.1 (2) [acting electoral area directors] of this Act while the acting director holds office;
 - (iv) an alternate acting director appointed under section 201.2 (1) [alternate acting electoral area directors] of this Act while the alternate acting director holds office,
 - (b) a reference to a delegate in section 102 (1) (c) [restrictions on inside influence] of the *Community Charter* is to be read as a reference to a delegate under section 229 [delegation of board authority] of this Act,
 - (c) a reference to a designated officer in Division 8 of Part 4 of the *Community Charter* is to be read as a reference to the officer assigned the chief administrative responsibility under section 235 [chief administrative officer] of this Act or to the regional district corporate officer,
 - (d) a reference to a municipal employee in Division 8 of Part 4 of the *Community Charter* is to be read as a reference to a regional district employee,
 - (e) a reference to a municipality in Division 8 of Part 4 of the *Community Charter* is to be read as a reference to a regional district,
 - (f) the references in section 113.03 (2) [who may file complaint] of the *Community Charter* to sections 141 (1) and 142 (1) of that Act are to be read as references to section 218 (2) and section 218 (1) of this Act, respectively,
 - (g) the references in section 113.03 (2) of the *Community Charter* to sections 141 (3) and 142 (3) of that Act are to be read as references to section 218 (3) of this Act, and

CLAUSE 21: *[Local Government Act, section 205 – continued]*

CLAUSE 22: *[Local Government Act, section 208]* provides that each director has one vote on a resolution relating to a code of conduct complaint.

CLAUSE 23: *[Local Government Act, section 216]*

- repeals a provision providing that the chair is the head and chief executive officer of a regional district;
- removes the power of a chair to suspend a regional district officer or employee.

- (h) the reference in section 113.12 (1) (e) [*sanctions that may be recommended*] of the *Community Charter* to section 116 (2) of that Act is to be read as a reference to sections 216 (2) and 218 (2) of this Act.
- (3) A director who is a member of the Board within the meaning of the *Greater Vancouver Sewerage and Drainage District Act* may, under section 113.03 of the *Community Charter*, file a complaint alleging that another director who is a member of the Board has contravened the code of conduct while acting as a member of the Board.
- (4) A director who is a member of the Board within the meaning of the *Greater Vancouver Water District Act* may, under section 113.03 of the *Community Charter*, file a complaint alleging that another director who is a member of the Board has contravened the code of conduct while acting as a member of the Board.
- (5) A complaint under subsection (3) or (4) must be filed with the designated officer for the regional district of whose board the respondent is a member.
- (6) If a respondent is a member of the Board within the meaning of the *Greater Vancouver Sewerage and Drainage District Act* or the *Greater Vancouver Water District Act*, as applicable, an investigator may recommend, in addition to the sanctions listed in section 113.12 (1) of the *Community Charter*, the suspension of the respondent from duties as a member of the Board.

22 Section 208 (2) is amended by adding the following paragraph:

- (j) resolutions under section 113.13 (4) [*code of conduct decision by council*] of the *Community Charter* as that section applies under section 205 (1) (b.1) of this Act.

23 Section 216 is amended

(a) by repealing subsection (1), and

(b) in subsection (2) (f) by striking out “sections 239 [*chair to direct and inspect officers and employees*] and 240 [*suspension of officers and employees*]” and substituting “section 239 [*chair to direct and inspect officers and employees*]”.

CLAUSE 24: *[Local Government Act, section 218.1]* specifies how the responsibilities of a chair may be carried out if the chair is suspended from those responsibilities.

CLAUSE 25: *[Local Government Act, section 240]* authorizes a board to suspend a regional district officer or employee.

CLAUSE 26: *[Local Government Act, section 294]* prohibits a board from imposing specified sanctions on a director unless the sanctions are recommended by an investigator following a code of conduct complaint.

24 The following section is added to Division 4 of Part 6:

If chair is suspended from responsibilities

218.1 If the chair is suspended under section 113.13 (4) (a) [*code of conduct decision by council*] of the *Community Charter*, as that section applies under section 205 (1) (b.1) of this Act, from any of the duties or from the power described, respectively, in sections 216 (2) and 218 (2) of this Act, the duties or power from which the chair is suspended may be carried out in either of the following ways:

- (a) by resolution of the remaining directors;
- (b) by one or more individuals designated by the remaining directors to carry out the duties or power.

25 Section 240 is repealed and the following substituted:

Suspension and dismissal of officers and employees

- 240** (1) If the board considers it necessary, the board may suspend a regional district officer or employee for a period the board considers appropriate.
- (2) At the end of the period of suspension, the board may
- (a) reinstate the officer or employee,
 - (b) extend the suspension,
 - (c) in the case of an employee, dismiss the employee, or
 - (d) in the case of an officer, terminate the officer in accordance with section 241.

26 Section 294 is amended

(a) by renumbering the section as section 294 (1), and

(b) by adding the following subsection:

- (2) A board may not impose on a director any of the sanctions listed in section 113.12 (1) (a) to (h) [*sanctions that may be recommended*] of the *Community Charter* or, if applicable, a sanction prescribed under section 113.12 (1) (i) of that Act unless
- (a) a complaint is filed and investigated under Division 8 [*Code of Conduct*] of Part 4 [*Public Participation and Council Accountability*] of that Act as that Division applies under section 205 (1) (b.1) of this Act, and
 - (b) the investigation report includes a recommendation to impose the sanctions on the council member.

CLAUSE 27: *[The Cultus Lake Park Act, section 8]* provides that a member of the board is not disqualified from holding office for being absent from board meetings because of a sanction imposed as a result of a code of conduct complaint.

CLAUSE 28: *[The Cultus Lake Park Act, section 14]* prohibits the board from imposing specified sanctions on a member unless the sanctions are recommended by an investigator following a code of conduct complaint.

CLAUSE 29: *[The Cultus Lake Park Act, section 20.1]* makes a consequential amendment.

CLAUSE 30: *[The Cultus Lake Park Act, section 24]* makes a consequential amendment.

CLAUSE 31: *[Vancouver Charter, section 137]*

- adds a definition of “temporary leave of absence”;
- provides for addressing a loss of quorum because a Council member is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a code of conduct complaint.

The Cultus Lake Park Act

27 *Section 8 (a) of The Cultus Lake Park Act, S.B.C. 1932, c. 63, is amended*

(a) by adding “doing one of the following:” after “without the member”,

(b) in subparagraph (i) by striking out “, or”, and

(c) by adding the following subparagraph:

- (iii) being absent because of a sanction imposed on the member under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability] of the Community Charter as that Division applies for the purposes of this Act; .

28 *Section 14 is amended*

(a) by renumbering the section as section 14 (1), and

(b) by adding the following subsection:

- (2) The board may not impose on a board member any of the sanctions listed in section 113.12 (1) (a) to (h) [sanctions that may be recommended] of the Community Charter or, if applicable, a sanction prescribed under section 113.12 (1) (i) of that Act unless
 - (a) a complaint is filed and investigated under Division 8 [Code of Conduct] of Part 4 [Public Participation and Council Accountability] of that Act as that Division applies for the purposes of this Act, and
 - (b) the investigation report includes a recommendation to impose the sanctions on the board member.

29 *Section 20.1 (1) is amended by striking out “Section 117 (1)” and substituting “Section 117 (1) and (1.1)”.*

30 *Section 24 is amended by striking out “section 14” and substituting “section 14 (1)”.*

Vancouver Charter

31 *Section 137 of the Vancouver Charter, S.B.C. 1953, c. 55, is amended*

(a) by adding the following subsection:

- (0.1) In this section, “temporary leave of absence” means any of the following:
 - (a) an absence because of illness or injury;
 - (b) an absence with leave of the Council;
 - (c) a leave of absence under section 145.98;

CLAUSE 31: *[Vancouver Charter, section 137 – continued]*

CLAUSE 32: *[Vancouver Charter, section 137]* provides for addressing a loss of quorum because a Council member is on a temporary leave of absence, including an absence resulting from a sanction imposed as a result of a code of conduct complaint.

CLAUSE 33: *[Vancouver Charter, section 143]* provides that a Council member is not disqualified from holding office for being absent from Council meetings because of a sanction imposed as a result of a code of conduct complaint.

CLAUSE 34: *[Vancouver Charter, sections 145.93 to 145.95]* repeals provisions.

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951]*

- enables the establishment of a new code of conduct for Council members;
- establishes a process for the filing, investigation and resolution of complaints under the code of conduct;
- adds regulation-making powers.

(d) an absence as a result of the imposition of a sanction under section 145.943 (4) (a). ,

(b) in subsection (5) by striking out “as a result of section 145.98” and substituting “as a result of a temporary leave of absence”, and

(c) in subsection (5) (b) by striking out “a leave of absence under section 145.98” and substituting “a temporary leave of absence”.

32 Section 137 (0.1) is amended by adding the following paragraph:

(e) an absence as a result of the imposition of a sanction under section 145.943 (4) (a) [*code of conduct decision by Council*].

33 Section 143 (6) is amended by striking out “or” at the end of paragraph (b), by adding “, or” at the end of paragraph (c) and by adding the following paragraph:

(d) the absence is because of a sanction imposed on the Council member under section 145.943 (4) (a).

34 Sections 145.93, 145.94 and 145.95 are repealed.

35 The following sections are added:

Definitions

145.931 In this section and sections 145.932 to 145.951:

“**code of conduct**” means the code of conduct established by regulation;

“**complainant**” means either of the following:

(a) a person who files a complaint;

(b) if the complaint is filed under section 145.933 (2), the individual referred to in that section;

“**complaint**” means a complaint filed under section 145.933 (1) or (2);

“**designated officer**” means the City Clerk or an individual designated by the Council;

“**investigation**” means an investigation conducted under section 145.939;

“**investigation report**” means an investigation report prepared under section 145.941;

“**investigator**” means a person who

(a) meets the prescribed criteria, and

(b) is retained by the city;

“**mutual resolution process**” means facilitation, conciliation, mediation and other types of dispute resolution processes;

“**parties**” means the complainant and the respondent;

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

“**respondent**” means a Council member against whom a complaint is made;

“**summary report**” means a summary report prepared under section 145.945.

Requirement to comply with code of conduct

145.932A Council member must comply with the code of conduct.

Who may file complaint

145.933 (1) The following persons may file with the designated officer a complaint alleging that a Council member has contravened the code of conduct:

- (a) another Council member;
- (b) in prescribed circumstances, an officer or employee of the city.

(2) A Council member who is on a committee of the Council may, on behalf of an individual appointed to the same committee, file with the designated officer a complaint alleging that another Council member who is a member of the committee has contravened the code of conduct.

(3) A complainant may withdraw a complaint at any time before an investigator begins investigating the complaint.

What must be included in complaint

145.934A complaint must be in writing and include all of the following information:

- (a) the name of the complainant;
- (b) the name of the respondent;
- (c) the provision of the code of conduct that is alleged to have been contravened;
- (d) a description of the alleged contravention, including when it occurred;
- (e) if applicable, a description of any efforts made by the parties to informally resolve the complaint;
- (f) a statement respecting the complainant’s willingness to participate in a mutual resolution process;
- (g) if applicable, supporting documents or other related information;
- (h) any other prescribed information.

Time limit for filing complaint

145.935 (1) Subject to subsection (2), a complaint must be filed within the prescribed period after the date the complainant becomes aware of the alleged contravention.

(2) If a complaint alleges a continuing contravention of the code of conduct, the complaint must be filed within the prescribed period after the last alleged instance of the contravention.

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

Referral to investigator

- 145.936** (1) Subject to this section, a designated officer who receives a complaint must, within the prescribed period after receiving the complaint, refer the complaint to an investigator.
- (2) A designated officer must not refer a complaint to an investigator if the complaint is filed on behalf of another individual, unless the complaint is filed under section 145.933 (2).
- (3) If a designated officer considers that a complaint is incomplete, the designated officer may, before the complaint is referred to an investigator, request that the complainant provide required information within the period specified by the designated officer.
- (4) If a complaint is filed within the prescribed period before a date set for general voting day for a general local election, the designated officer
- (a) must not refer the complaint to an investigator until after the declaration of official election results under section 48 for an election by acclamation or under section 108 for an election by voting, and
- (b) must refer the complaint to an investigator only if the respondent is re-elected as a Council member.
- (5) If a designated officer does not refer a complaint in accordance with this section, the minister may refer the complaint to an investigator.

Powers of investigator on receiving complaint

- 145.937** An investigator who receives a complaint referred under section 145.936 must do one of the following:
- (a) in the circumstances described in section 145.938 (1), dismiss all or part of the complaint;
- (b) recommend to the parties
- (i) that the complaint be resolved by a mutual resolution process, and
- (ii) that a particular mutual resolution process be used;
- (c) investigate the complaint.

Dismissal of complaint

- 145.938** (1) An investigator may dismiss all or part of a complaint if the investigator determines that
- (a) the conduct alleged in the complaint or part of the complaint does not contravene the code of conduct,
- (b) the complaint or part of the complaint is frivolous or vexatious,
- (c) the substance of the complaint or part of the complaint has been appropriately dealt with in another proceeding, or
- (d) prescribed circumstances apply.

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (2) An investigator who dismisses a complaint or part of a complaint under subsection (1) must give the parties written reasons for the dismissal.
- (3) An investigator who dismisses a complaint under subsection (1) (b) may require the complainant to pay the costs associated with the investigator's review of the complaint.

Investigation

- 145.939** (1) An investigator may conduct an investigation to determine whether a contravention of the code of conduct has occurred.
- (2) If the investigator considers it appropriate, the investigator may consolidate complaints for the purpose of an investigation.
 - (3) For the purpose of an investigation, an investigator may require a person who may have information, records or things that are relevant to the investigation to do one or more of the following:
 - (a) attend, in person or by electronic means, before the investigator to answer questions;
 - (b) provide the investigator with written answers to written questions;
 - (c) produce for the investigator any record or thing in the custody or under the control of the person.
 - (4) A person described in subsection (3) is required to cooperate with an investigator in the investigator's exercise of powers or performance of duties under sections 145.937 to 145.943 and section 145.945.
 - (5) If, within the prescribed period before a date set for general voting day for a general local election, an investigation is underway, the investigation
 - (a) must be suspended until after the declaration of official election results under section 48 for an election by acclamation or under section 108 for an election by voting, and
 - (b) may be resumed only if the respondent is re-elected as a Council member.
 - (6) At any time during the investigation, the investigator may recommend to the parties
 - (a) that the complaint be resolved by a mutual resolution process, and
 - (b) that a particular mutual resolution process be used.

Mutual resolution

- 145.940** (1) An investigator who makes a recommendation under section 145.937 (b) or 145.939 (6) must investigate the complaint if
- (a) one or more of the parties refuse to participate in a mutual resolution process, or
 - (b) the parties do not agree on the mutual resolution process to be used.

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (2) If the mutual resolution process resolves the complaint to the satisfaction of all parties,
 - (a) the parties must notify the investigator of the resolution,
 - (b) the investigator must dismiss the complaint, and
 - (c) the complainant may not file another complaint in relation to the same alleged contravention.
- (3) If the mutual resolution process fails, within the prescribed period, if any, to resolve the complaint to the satisfaction of all parties,
 - (a) at least one party must notify the investigator of the failure to resolve the complaint, and
 - (b) the investigator must investigate the complaint or resume the investigation of the complaint.
- (4) Unless otherwise agreed by the parties, a person participating in a mutual resolution process must not disclose information or records obtained in the mutual resolution process that are not otherwise in the public domain.
- (5) Subsection (4) does not apply if the disclosure is
 - (a) required by an enactment of British Columbia, another province or Canada,
 - (b) required to protect or pursue a legal right, or
 - (c) authorized by a court order.

Investigation report

- 145.941** (1) After concluding an investigation, an investigator must
 - (a) determine whether the code of conduct has been contravened, and
 - (b) prepare an investigation report in accordance with this section.
- (2) Before completing an investigation report, an investigator must
 - (a) provide a copy of the draft report to the parties,
 - (b) provide the parties an opportunity to comment on the draft report within the period specified by the investigator, and
 - (c) consider any comments under paragraph (b), including any requests respecting changes to the report.
- (3) An investigation report must include the following:
 - (a) a summary of the complaint;
 - (b) a summary of the findings of the investigation;
 - (c) if the investigator determines that the code of conduct has been contravened, a recommendation respecting the sanctions to be imposed;
 - (d) a statement respecting the parties' cooperation with the investigator;

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (e) a recommendation respecting the indemnification of the parties by the city;
 - (f) any other information the investigator considers appropriate;
 - (g) any other prescribed information.
- (4) The investigator must, within the prescribed period, if any, submit the final investigation report to the designated officer who received the complaint.
- (5) A designated officer who receives an investigation report must, within the prescribed period, if any, forward it to both of the following:
- (a) if the complainant is not a Council member, the complainant;
 - (b) the Council.

Sanctions that may be recommended

- 145.942** (1) For the purposes of section 145.941 (3) (c), an investigator may recommend one or more of the following sanctions:
- (a) a letter of reprimand;
 - (b) a requirement that the respondent issue a letter of apology;
 - (c) a requirement that the respondent complete a training program;
 - (d) the suspension or rescission of the appointment of the respondent, in the respondent's capacity as Council member, to a committee, commission or other body;
 - (e) if the respondent is the Mayor, the suspension from any of the responsibilities described in section 208;
 - (f) a reduction of remuneration in an amount calculated in the prescribed manner and for up to 90 days;
 - (g) a suspension of remuneration for up to 90 days;
 - (h) a suspension, without remuneration, from duties on Council for up to 90 days;
 - (i) a prescribed sanction.
- (2) For certainty, an investigator may only recommend a sanction listed in subsection (1).
- (3) In determining whether to recommend sanctions and which sanctions to recommend, an investigator must consider any prescribed matters.

Decision by Council

- 145.943** (1) If an investigation report does not include a recommendation to impose sanctions, the Council
- (a) is not required to consider the report at a Council meeting, and
 - (b) may not impose any of the sanctions listed in section 145.942 (1) on the respondent.

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (2) If an investigation report includes a recommendation to impose sanctions,
 - (a) the Council must consider the report at a Council meeting,
 - (b) the investigator must attend the Council meeting, and
 - (c) despite section 145.3 (2) (a) and (d), the parties must be provided an opportunity to make written or oral submissions to the Council.
- (3) Section 145.2 (2) does not apply to the parties in relation to their interest in the Council's consideration of the investigation report.
- (4) After considering an investigation report that includes a recommendation to impose sanctions, any submissions to the Council and the prescribed criteria, the Council may, by resolution, decide
 - (a) to impose all of the recommended sanctions, or
 - (b) not to impose any of the recommended sanctions.
- (5) A motion on a resolution under subsection (4) is decided by a majority of the Council members present at the meeting, excluding the respondent and, if the complainant is a Council member, the complainant.
- (6) The parties must not be present at the meeting during the vote on a motion referred to in subsection (5).
- (7) If, due to the investigation of one or more Council members, the number of members of the Council is reduced to less than a quorum, the minister may
 - (a) order that the remaining members of the Council constitute a quorum for the purpose of the vote on a motion referred to in subsection (5), or
 - (b) appoint a person to decide whether to impose the recommended sanctions.
- (8) If the Council decides not to impose the recommended sanctions, the Council must, at the Council meeting, provide reasons for its decision to the investigator.

If respondent ceases to hold office

- 145.944** (1) If, at any time before the Council makes a decision under section 145.943 (4), the respondent ceases to hold office on the Council, the complaint is considered dismissed.
- (2) If, after the Council imposes sanctions under section 145.943 (4) (a), the respondent ceases to hold office on the Council, the respondent is not required to comply with the sanctions.

Summary report

- 145.945** (1) If an investigation report does not include a recommendation to impose sanctions, the investigator must, after the investigation report is forwarded under section 145.941 (5) [*investigation report*], prepare a summary report described in subsection (3).

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (2) If an investigation report includes a recommendation to impose sanctions, the investigator must, after the Council makes a decision under section 145.943 (4) [*decision by Council*], prepare a summary report described in subsection (4).
- (3) A summary report prepared under subsection (1)
 - (a) must include the following:
 - (i) a summary of the complaint;
 - (ii) a summary of the findings of the investigation;
 - (iii) the recommendation made under section 145.941 (3) (e);
 - (iv) any other information the investigator considers appropriate;
 - (v) any other prescribed information, and
 - (b) must not disclose the identity of the parties.
- (4) A summary report prepared under subsection (2)
 - (a) must include the following:
 - (i) a summary of the complaint;
 - (ii) a summary of the findings of the investigation;
 - (iii) the recommendations made under section 145.941 (3) (c) and (e);
 - (iv) the decision made by the Council and, if the decision is not to impose sanctions, the reasons for the decision;
 - (v) any other information the investigator considers appropriate;
 - (vi) any other prescribed information, and
 - (b) must not disclose the identity of the complainant if the complainant is a municipal officer or employee.
- (5) The city must make the summary report publicly available.

Annual code of conduct report

- 145.946** (1) Before June 30 each year, the Council must
 - (a) prepare an annual code of conduct report, and
 - (b) make the report publicly available.
- (2) The annual code of conduct report must include the following information respecting complaints filed with a designated officer in the previous year:
 - (a) the number of complaints filed;
 - (b) the number of complaints withdrawn under section 145.933 (3);
 - (c) the number of complaints dismissed under section 145.938 (1);
 - (d) the number of complaints dismissed under section 145.938 (1) (b) and the costs required to be paid under section 145.938 (3);
 - (e) the number of complaints resolved through a mutual resolution process;

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

- (f) the number of investigations conducted;
- (g) the number of each sanction listed in section 145.942 (1) imposed by the Council;
- (h) the costs associated with the use of investigators;
- (i) any other prescribed information.

Confidentiality

- 145.947** (1) An investigator who has custody of, access to or control over information, records or things obtained in the exercise of a power or performance of a duty under sections 145.937 to 145.943 and section 145.945 must not disclose the information, records or things to any person except as follows:
- (a) if the investigator considers that the disclosure is necessary to further an investigation;
 - (b) in an investigation report or at a Council meeting;
 - (c) in a summary report;
 - (d) with the consent of the person to whom the information or record relates;
 - (e) if an enactment of British Columbia, another province or Canada requires the disclosure;
 - (f) to a law enforcement agency if the investigator suspects that a criminal offence has been committed.
- (2) A complainant, respondent or other Council member who has custody of, access to or control over an investigation report must not disclose the investigation report or any information in the investigation report to any person except as follows:
- (a) if an enactment of British Columbia, another province or Canada requires the disclosure;
 - (b) to a law enforcement agency if the person suspects that a criminal offence has been committed.
- (3) The prohibition in subsection (2) does not apply in relation to information in an investigation report if
- (a) the information is included in a summary report, and
 - (b) the summary report has been made publicly available under section 145.945 (5) [*summary report*].

CLAUSE 35: *[Vancouver Charter, sections 145.931 to 145.951 – continued]*

CLAUSE 36: *[Vancouver Charter, section 165.2]* requires all or part of a Council meeting to be closed to the public if the subject matter being considered relates to a code of conduct complaint.

Immunity protection – investigator

- 145.948** (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against an investigator, or a person acting on behalf of or under the direction of an investigator, because of anything done or omitted
- (a) in the performance or intended performance of a duty under sections 145.937 to 145.943 and section 145.945, or
 - (b) in the exercise or intended exercise of a power under sections 145.937 to 145.943 and section 145.945.
- (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.

Conflicts

- 145.949** In the event of a conflict between the code of conduct and a city by-law, resolution or policy, the code of conduct prevails.

Offence Act

- 145.950** Section 5 of the *Offence Act* does not apply to sections 145.932 to 145.949 of this Act.

Regulations in relation to code of conduct

- 145.951** The Lieutenant Governor in Council may make regulations as follows:
- (a) establishing a code of conduct;
 - (b) prescribing criteria for the purposes of the definition of “investigator” in section 145.931 and for the purposes of section 145.943 (4);
 - (c) prescribing circumstances for the purposes of sections 145.933 (1) (b) and 145.938 (1) (d);
 - (d) prescribing information for the purposes of sections 145.934 (h), 145.941 (3) (g), 145.945 (3) (a) (v) and (4) (a) (vi) and 145.946 (2) (i);
 - (e) prescribing periods for the purposes of sections 145.935, 145.936 (1) and (4), 145.939 (5), 145.940 (3) and 145.941 (4) and (5);
 - (f) prescribing a manner for the purposes of section 145.942 (1) (f);
 - (g) prescribing sanctions for the purposes of section 145.942 (1) (i) and specifying whether section 199 (2) applies in relation to the sanctions;
 - (h) prescribing matters for the purposes of section 145.942 (3).

36 Section 165.2 (2) is amended by adding the following paragraph:

- (f) a complaint filed under section 145.933 (1) or (2).

- CLAUSE 37: *[Vancouver Charter, section 165.21]* requires the Council to allow an investigator who investigated a code of conduct complaint to attend all or part of a meeting that is closed to the public.
- CLAUSE 38: *[Vancouver Charter, section 176]* prohibits the Council from engaging a barrister to investigate a matter related to the code of conduct.
- CLAUSE 39: *[Vancouver Charter, section 177]* makes a consequential amendment.
- CLAUSE 40: *[Vancouver Charter, section 199]* prohibits the Council from imposing specified sanctions on a Council member unless the sanctions are recommended by an investigator following a code of conduct complaint.
- CLAUSE 41: *[Vancouver Charter, section 207]* repeals a provision providing that the Mayor is the chief executive officer of the city and president of the Council.
- CLAUSE 42: *[Vancouver Charter, section 207]* specifies how the responsibilities of the Mayor may be carried out if the Mayor is suspended from those responsibilities.

37 Section 165.21 is amended by adding the following subsection:

- (3) If all or part of a meeting is closed to the public under section 165.2 (2) (f), the Council must allow both of the following to attend:
 - (a) the investigator, as defined in section 145.931, who investigated the complaint;
 - (b) if the complainant is not a Council member, the complainant.

38 Section 176 is amended

(a) by renumbering the section as section 176 (1), and

(b) by adding the following subsection:

- (2) The Council may not engage a barrister to investigate a matter related to the code of conduct as defined in section 145.931.

39 Section 177 (1) is amended by striking out “section 176” and substituting “section 176 (1)”.

40 Section 199 is amended

(a) by renumbering the section as section 199 (1), and

(b) by adding the following subsection:

- (2) The Council may not impose on a Council member any of the sanctions listed in section 145.942 (1) (a) to (h) or, if applicable, a sanction prescribed under section 145.942 (1) (i) unless
 - (a) a complaint is filed under section 145.933 (1) or (2) and investigated under section 145.939, and
 - (b) the investigation report under section 145.941 includes a recommendation to impose the sanctions on the Council member.

41 Section 207 (1) is repealed.

42 Section 207 is amended by adding the following subsection:

- (3) If the Mayor is suspended under section 145.943 (4) (a) from any of the responsibilities described in section 208, the responsibilities from which the Mayor is suspended may be carried out by one or more individuals designated by the remaining members of Council to carry out the responsibilities.

CLAUSE 43: *[Vancouver Charter, section 208]* removes the power of the Mayor to suspend an employee of the city.

CLAUSE 44: *[Vancouver Charter, section 486A]*

- provides that the code of conduct and complaint process established under sections 145.931 to 145.950, added by this Bill to the Act, apply to members of the Park Board;
- adds an interpretation rule for applying the code of conduct provisions.

CLAUSE 45: *[Vancouver Charter, section 486B]*

- provides that the code of conduct and complaint process established under sections 145.931 to 145.950, added by this Bill to the Act, apply to members of the Park Board;
- adds an interpretation rule for applying the code of conduct provisions.

CLAUSE 46: *[Transition – interpretation]* provides a definition of “pre-existing code of conduct” for the purposes of the transitional provisions.

CLAUSE 47: *[Transition – pre-existing codes of conduct]* provides transitional rules respecting pre-existing codes of conduct.

43 *Section 208 (d) is repealed.*

44 *Section 486A (2) is repealed and the following substituted:*

- (2) Sections 145.931 to 145.950 apply to the Board.
- (3) In applying sections 145.931 to 145.950, a reference in those sections to the Council is to be read as a reference to the Board.

45 *Section 486B is repealed and the following substituted:*

Application of code of conduct provisions

- 486B.** (1) Sections 145.931 to 145.950 apply to the Board.
- (2) In applying sections 145.931 to 145.950, a reference in those sections to the Council is to be read as a reference to the Board.

Transitional Provisions

Transition – interpretation

46 In sections 47 to 49:

“**pre-existing code of conduct**” means a code of conduct established by any of the following before the date this section comes into force:

- (a) a council within the meaning of the *Community Charter*;
- (b) the trust council within the meaning of the *Islands Trust Act*;
- (c) a board within the meaning of the *Local Government Act*;
- (d) the board within the meaning of *The Cultus Lake Park Act*;

“**Vancouver pre-existing code of conduct**” means a code of conduct established by the Council within the meaning of the *Vancouver Charter* before the date this section comes into force.

Transition – pre-existing codes of conduct

47 On the date this section comes into force,

- (a) a pre-existing code of conduct is of no effect, and
- (b) a reference in a bylaw or policy to a pre-existing code of conduct is deemed to be a reference to the code of conduct established by regulation under the *Community Charter*.

CLAUSE 48: *[Transition – Vancouver pre-existing code of conduct]* provides transitional rules respecting pre-existing codes of conduct established by Vancouver City Council.

CLAUSE 49: *[Transition – pre-existing complaints]* provides transitional rules respecting pre-existing complaints.

CLAUSE 50: *[Repeal of provisions]* provides for the repeal of provisions of this Bill by regulation.

Transition – Vancouver pre-existing code of conduct

- 48** On the date this section comes into force,
- (a) a Vancouver pre-existing code of conduct is of no effect, and
 - (b) a reference in a bylaw or policy to a Vancouver pre-existing code of conduct is deemed to be a reference to the code of conduct established by regulation under the *Vancouver Charter*.

Transition – pre-existing complaints

- 49** Despite section 47 (a) or 48 (a), if, before the date this section comes into force, a complaint is made under a pre-existing code of conduct or Vancouver pre-existing code of conduct and the complaint is not resolved, the complaint must be resolved under the pre-existing code of conduct or Vancouver pre-existing code of conduct.

Amendments to This Act

Repeal of provisions

- 50** The Lieutenant Governor in Council may, by regulation, repeal this section and any of the following provisions of this Act:
- (a) sections 10 and 11;
 - (b) sections 15 and 16;
 - (c) section 27 (a) and (b);
 - (d) sections 31 and 32;
 - (e) sections 44 and 45;
 - (f) sections 46, 47, 48 and 49.

Commencement

- 51** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 5	By regulation of the Lieutenant Governor in Council
3	Sections 7 to 12	By regulation of the Lieutenant Governor in Council
4	Sections 14 to 22	By regulation of the Lieutenant Governor in Council

Item	Column 1 Provisions of Act	Column 2 Commencement
5	Section 24	By regulation of the Lieutenant Governor in Council
6	Sections 26 to 40	By regulation of the Lieutenant Governor in Council
7	Section 42	By regulation of the Lieutenant Governor in Council
8	Sections 44 to 50	By regulation of the Lieutenant Governor in Council